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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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25006	7590	05/13/2005	EXAMINER	
GIFFORD, KRASS, GROH, SPRINKLE & CITKOWSKI, P.C			GREEN, BRIAN	
PO BOX 7021				
TROY, MI 48007-7021			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/668,522	Applicant(s) YU ET AL.	
	Examiner Brian K. Green	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 4-6,8,9 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,7,10,11,13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Claims 4-6,8,9, and 12 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on Feb. 14, 2005.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the package and pen defined in claim 13 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified

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and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The status identifier for claim 12 should be “(Withdrawn)” instead of “(Original)”.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon et al. (US 2003/0025316) in view of Ristow et al. (U.S. Patent No. 1,861,136) and Funk et al. (U.S. Patent No. 6,269,169).

Solomon et al. shows in figures 1-3 a sheet that includes indicia readable under light having a wavelength of between 350 and 400 nanometers, see paragraph [0015], and an ultraviolet light source/flashlight (see figures 3). Solomon et al. discloses that the sheet maybe in the form of stationery, see paragraph [0021]. Solomon et al. does not disclose whether a first ink readable under visible light is provided on the stationery and the use of a light emitting diode as the light source. Ristow et al. shows in figures 1-3 a stationery article in the form of a greeting card that includes a first ink (the pictures and words in figures 1 and 3) readable under visible light. In view of the teachings of Ristow et al. it would have been obvious to one in the art to modify Solomon et al. by placing a first ink readable under visible light onto the stationery/greeting card

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since this would make the stationery/greeting card more aesthetically pleasing and would allow a desired message to be conveyed to all viewers of the stationery/greeting card. Funk et al. discloses in column 4, lines 54-55 the idea of using light emitting diodes as a ultraviolet light source. In view of the teachings of Funk et al. it would have been obvious to one in the art to modify Solomon et al. by making the light source in the form of an LED since this would reduce the amount of heat generated by the light source, reduce the energy required to power the light source, and would allow the light source to last a lot longer. It is not clear whether a single LED would be used when Solomon et al. is modified in view of Funk. Solomon et al. shows in figure 3 the idea of using a single light source. It is considered within one skilled in the art to use a single LED since this would reduce the amount of power required to illuminate the LED and would reduce the cost to form the device. In regard to claim 3, Ristow et al. shows in figure 3 the idea of placing a fold line (7,8) on the sheet of stationery/greeting card. In view of the teachings of Ristow et al. it would have been obvious to one in the art to modify Solomon et al. by placing a fold line in the sheet since this would allow the card to be made into the form of a greeting card to allow more information to be conveyed in a more aesthetically pleasing manner. In regard to claim 10, the examiner takes official notice that it is known to write messages in different colors, i.e. the examiner has been writing messages in birthday cards with a color marker which is different than the color of the pre-printed indicia (generally black) located in the card for the past 14 years. It would have been obvious to one in the art to modify Solomon et al. by placing a third ink having a color different than the second ink color since this would create a more amusing and aesthetically pleasing display.

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Claims 2,7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon et al. (US 2003/0025316) in view of Ristow et al. (U.S. Patent No. 1,861,136) and Funk et al. (U.S. Patent No. 6,269,169) as applied to claim 1 above and further in view of Prescott et al. (U.S. Patent No. 6,805,459).

Solomon et al. in view of Ristow et al. and Funk et al. disclose the applicant's basic inventive concept except for providing a securement to retain the ultraviolet light flashlight. Prescott et al. shows in figures 1-4 a light source (20) that is attached to a book for reading purposes. Prescott et al. discloses in column 6, lines 25-30 the idea of releasably attaching the light source to the book with a hook and loop securement device. In view of the teachings of Prescott et al. it would have been obvious to one in the art to modify Solomon et al. by using a securement device to attach the light source/flashlight to the stationery since this would allow the light source/flashlight to be attached to the stationery in an easier and more convenient manner. In regard to claim 11, Ristow et al. shows in figure 3 the idea of placing a fold line (7,8) on the sheet of stationery/greeting card. In view of the teachings of Ristow et al. it would have been obvious to one in the art to modify Solomon et al. by placing a fold line in the sheet since this would allow the card to be made into the form of a greeting card to allow more information to be conveyed in a more aesthetically pleasing manner.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon et al. (US 2003/0025316) in view of Ristow et al. (U.S. Patent No. 1,861,136) and Funk et al. (U.S. Patent No. 6,269,169) as applied to claim 1 above and further in view of Heinze III. (U.S. Patent No. 6,047,820).

Solomon et al. in view of Ristow et al. and Funk et al. disclose the applicant's basic inventive concept except for providing a package and instructions for writing with the pen on the greeting card. Heinze III. shows in figures 1-3 a package that includes a greeting card and instructions on how to use the contents of the package. In view of the teachings of Heinze III. it would have been obvious to one in the art to modify Solomon et al. by providing a package and instructions since this would allow the stationery, pen, and light source to be combined together for sale or storage in a more convenient manner and would allow the method of use of the contents of the package to be clearly conveyed to purchasers/owners of the package.

Response to Arguments

Applicant's arguments filed Feb. 14, 2005 have been fully considered but they are not persuasive.

The applicant argues that there is no motivation to add visible indicia to the pages of Solomon et al. The examiner disagrees since the addition of visible indicia to the pages would make the pages more aesthetically pleasing as well as more functional, i.e. flowers or other pictures (see Ristow et al., figures 3) could be placed in border areas which would not adversely impact upon the writing areas of the pages and would outline the writing areas. Further, indicia such as "My" and "From" (see Ristow et al., figures 3) would direct a writers as well as a readers attention to these areas.

The applicant argues that Funk et al. teaches an array of LEDs and that it would not be obvious to use a single LED. The examiner disagrees since Solomon et al. discloses the use of a single light source and the use of a single LED would provide the advantages of reducing the amount of energy required to power the device and the cost to manufacture the device.

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The applicant argues that Prescott et al. fails to teach the adherence of the light source to the substrate having the printed indicia thereon as required in claims 2,7, and 11. The examiner disagrees since when the device of Solomon et al. is made in the form of stationery (i.e. greeting card, single card, etc.) the light source would have to be directly attached to the substrate. Also, claim 11 fails to define that the light source is directly attached to the substrate.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (571) 272-6644. The examiner can normally be reached on M-F 7am-3:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



BRIAN K. GREEN
PRIMARY EXAMINER

Bkg
May 11, 2005